



CITY OF NEWBURGH
COUNCIL MEETING AGENDA
November 12, 2013
7:00 pm

Mayor:

1. Prayer
2. Pledge of Allegiance

City Clerk:

3. Roll Call

Communications:

4. Approval of the minutes of the City Council meeting of October 28, 2013.

Proclamation:

5. November 2013 shall be proclaimed Pancreatic Cancer Awareness Month

Public Hearings:

6. A public hearing to receive comments concerning the adoption of a local law regarding fines associated with certain parking violations.
7. A public hearing to receive comments concerning the CDBG 2014 Budget.
8. A public hearing to receive comments on the proposed City of Newburgh budget for 2014.

Comments from the public regarding the agenda:

Comments from the Council regarding the agenda:

City Manager's Report:

9. Resolution No. 228-2013
A resolution of the City Council of the City of Newburgh assuming lead agency under the State Environmental Quality Review Act for a stormwater sewer easement and sanitary sewer easement in connection with site plan approval for the construction

of the Independence Square Apartments Newburgh, New York, declaring the easement to be an unlisted action, adopting the environmental assessment form, issuing a negative declaration and authorizing the interim City Manager to execute all SEQRA documents and the amended and restated stormwater sewer easement and sanitary sewer easement.

10. Local Law No. 2-2013
A local law amending Chapter 70 entitled "Parking Violations Bureau" of the Code of the City of Newburgh to increase fines for certain parking violations.
11. Ordinance No. 13-2013
An ordinance amending Section 288-85 entitled "Schedule XXVII: City Parking Lots and Parking Garages – Parking Permit Fees" of Chapter 288 entitled "Vehicles and Traffic" of the Code of the City of Newburgh.
12. Resolution No. 229-2013
A resolution appointing Thomas J. Murphy to the Municipal Civil Service Commission of the City of Newburgh.
13. Resolution No. 230-2013
A resolution reappointing Catherine Lentz to the Board of Assessment Review.
14. Resolution No. 231-2013
A resolution to authorize the repurchase of real property known as 170 Renwick Street at private sale to Elio Rodriguez.
15. Resolution No. 232-2013
A resolution to authorize the repurchase of real property known 13 S. Johnston Street at private sale to Ofelia Perez.
16. Resolution No. 233-2013
A resolution authorizing the execution of an addendum to the license agreement for the use of the stadium located at Delano Hitch Recreation Park by the Newburgh Hook Elite Boxing Club and EBC Sports Ministry for the purpose of installation of telephone, internet and cable services.
17. Resolution No. 234-2013
A resolution of the City Council of the City of Newburgh under State Environmental Quality Review Act assuming lead agency, accepting as complete an Environmental Assessment Form, issuing a negative declaration and approving the application of Mill Street Partners, LLC for a large-scale mixed use development special use permit for the redevelopment of the Mid-Broadway site.

Old Business:

New Business:

Public Comments Regarding General Matters of City Business:

Further Comments from the Council:

Adjournment:

LOCAL LAW NO.: 2 - 2013

OF

NOVEMBER 12, 2013

A LOCAL LAW AMENDING CHAPTER 70 ENTITLED "PARKING VIOLATIONS BUREAU" OF THE CODE OF THE CITY OF NEWBURGH TO INCREASE FINES FOR CERTAIN PARKING VIOLATIONS

BE IT ENACTED by the City Council of the City of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 70 Entitled 'Parking Violations Bureau' of the Code of Ordinances of the City of Newburgh to Increase Fines for Certain Parking Violations ."

SECTION 2 - AMENDMENT

Chapter 70 entitled "Parking Violations Bureau" is hereby amended to read as follows:

§ 70-17. Schedule of fines and penalties.

The schedule of fines and penalties shall be as follows:

Violation	Fine
Failure to deposit required coins in a parking meter, overtime parking in a metered space or other meter violation	\$15.00 <u>20.00</u>

NOTE: Notwithstanding any other provision of this Section 70-17 of this Chapter, the penalty for a failure to deposit required coins in a parking meter, overtime parking in a metered space or other meter violation shall be satisfied by the payment of the sum of \$15.00 if such payment is made within 48 hours of the time of the issuance of such notice/summons, exclusive of Saturday, Sundays or legal holidays.

Parking prohibited beyond time limit allowed, other than parking meter	\$10.00 <u>25.00</u>
Parking over lines	\$10.00 <u>15.00</u>
Improper Angle Parking	\$10.00 <u>15.00</u>
Parking on the sidewalk	\$10.00 <u>25.00</u>
Parking prohibited upon publicly or privately owned premises	

Underlining denotes additions
~~Strikethrough~~ denotes deletions

without permission	\$10.00 <u>30.00</u>
Parking in City lot without permit	\$10.00 <u>25.00</u>
Restricted Parking near Newburgh Free Academy and St. Luke's Cornwall Hospital; <u>Gidney Avenue Parking Lot</u>	\$10.00 <u>15.00</u>
Stopped, standing or parked facing wrong direction	\$10.00 <u>25.00</u>
Stopped, standing or parked more than 12 inches from curb	\$10.00 <u>15.00</u>

Parking prohibitions:

Parking prohibited at any time	\$10.00 <u>25.00</u>
Parking prohibited during certain hours	\$10.00 <u>25.00</u>
Parking prohibited on alternate days	\$25.00
Parking prohibited on alternate days - snow emergency	\$50.00
Parking prohibited on alternate days - street cleaning	\$50.00
Parking prohibited on snow emergency routes	\$50.00
Parking prohibited in a taxi stand	\$10.00 <u>25.00</u>
Parking prohibited in a bus stop	\$10.00 <u>25.00</u>
Parking prohibited in a loading zone	\$10.00 <u>25.00</u>
Parking prohibited in boat trailer parking zone	\$10.00 <u>50.00</u>

Standing prohibitions:

Standing prohibited at any time	\$10.00 <u>25.00</u>
Standing prohibited during certain hours	\$10.00 <u>25.00</u>
Standing prohibited from here to corner	\$20.00 <u>25.00</u>

Stopping prohibitions:

Stopping prohibited at any time	\$10.00 <u>25.00</u>
Stopping prohibited during certain hours	\$10.00 <u>25.00</u>
Stopping prohibited from here to corner	\$20.00 <u>25.00</u>
Stopped, standing or parked on a sidewalk	\$20.00 <u>25.00</u>

Standing or parked in front of a public or private driveway	\$25.00
Expired certificate of inspection or registration	\$20.00 <u>30.00</u>
Stopped, standing or parked within 15 feet of a fire hydrant	\$25.00 <u>100.00</u>

Double parking	\$25.00 <u>50.00</u>
Obstructing traffic	\$25.00 <u>50.00</u>
Interfering with snow removal	\$50.00
Public Safety Reserved Parking	\$10.00 <u>25.00</u>
<u>Abandoned vehicle</u>	<u>\$100.00</u>
Parking/Standing within 50 ft of Firehouse	\$10.00 <u>50.00</u>
Handicapped parking violations per § 1203-c of the Vehicle and Traffic Law	\$100.00

NOTE: In addition, a surcharge of \$30 has been levied by the state of New York for handicapped parking violations pursuant to § 1809-b of the Vehicle and Traffic Law.

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SECTION 3 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 4 - EFFECTIVE DATE

This Local Law shall be effective immediately upon adoption in accordance with the provisions of New York State Municipal Home Rule Law.

ORDINANCE NO.: 13 - 2013

OF

NOVEMBER 12, 2013

AN ORDINANCE AMENDING SECTION 288-85 ENTITLED "SCHEDULE XXVII: CITY PARKING LOTS AND PARKING GARAGES - PARKING PERMIT FEES" OF CHAPTER 288 ENTITLED "VEHICLES AND TRAFFIC" OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED by the City Council of the City of Newburgh that:

Section 1. Section 288-85 entitled "Schedule XXVII: City Parking Lots And Parking Garages - Parking Permit Fees" of Chapter 288 entitled "Vehicles and Traffic." of the Code of the City of Newburgh be and hereby is amended as follows:

§ 288-85 Schedule XXVII: City Parking Lots and Parking Garages - Parking Permit Fees.

Whenever the City Manager shall, pursuant to the authority delegated to him by § ~~288-35~~ of this chapter, have designated all or some of the spaces in parking lots owned or operated by the City of Newburgh as reserved for vehicles displaying a valid parking permit for said parking lot issued by the City of Newburgh, the fee for the purchase of said parking permit shall be as established herein; and no person shall park or stand a vehicle in such space without displaying a valid parking permit issued by the City of Newburgh and without having paid the fee set forth herein. All permits designated in this section shall be issued by the Parking Violations Bureau.

	Day Permit 6am to 6pm Monthly Fee
Location of Parking Lot	
Ann Street (between Liberty Street and South Johnson Street)	\$50
Ann Street (between William Street and Mill Street)	\$50
Broadway (at Grand Street)	\$50
Chambers Street	\$50
Delano-Hitch Park	\$50

Underlining denotes additions

~~Strikethrough~~ denotes deletions

Front Street (east side)	\$50
Front Street (west side)	\$50
Grand Street (Courthouse Square)	<u>\$50</u>
Van Ness Street	\$50
Washington Street Boat Launch	Daily or seasonal permit as set forth in Chapter <u>163</u> , Fees
Water Street	\$50
West End	\$50

Section 3. This ordinance shall take effect immediately.

Underlining denotes additions
~~Strikethrough~~ denotes deletions

RESOLUTION NO.: 229-2013

OF

NOVEMBER 12, 2013

A RESOLUTION APPOINTING THOMAS J. MURPHY TO THE
MUNICIPAL CIVIL SERVICE COMMISSION
OF THE CITY OF NEWBURGH

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Thomas J. Murphy and is hereby appointed to a six (6) year term retroactively commencing on June 1, 2012 and expiring on May 31, 2018.

RESOLUTION NO.: 230 -2013

OF

NOVEMBER 12, 2013

A RESOLUTION REAPPOINTING CATHERINE LENTZ
TO THE BOARD OF ASSESSMENT REVIEW

BE IT RESOLVED, by the Council of the City of Newburgh, New York, that Catherine Lentz be and is hereby re-appointed retroactively to the Board of Assessment Review for a new five-year term commencing retroactively on March 31, 2013 and expiring on March 30, 2018.

RESOLUTION NO.: 231 - 2013

OF

NOVEMBER 12, 2013

**A RESOLUTION TO AUTHORIZE THE RE-PURCHASE OF
REAL PROPERTY KNOWN AS 170 RENWICK STREET
(SECTION 45, BLOCK 14, LOT 15)
AT PRIVATE SALE TO ELIO RODRIGUEZ**

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real Property Tax Law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, Elio Rodriguez, the former owner of 170 Renwick Street, being more accurately described as Section 45, Block 14, Lot 15 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

WHEREAS, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase this property, without the need for litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid expeditiously;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 170 Renwick Street, Section 45, Block 14, Lot 15, to Elio Rodriguez be and hereby is confirmed and that the Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$29,969.93, no later than November 30, 2013; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

RESOLUTION NO.: 232 - 2013

OF

NOVEMBER 12, 2013

**A RESOLUTION TO AUTHORIZE THE REPURCHASE OF
REAL PROPERTY KNOWN AS 13 S. JOHNSTON STREET
(SECTION 36, BLOCK 5, LOT 8)
AT PRIVATE SALE TO OFELIA PEREZ**

WHEREAS, the City of Newburgh has acquired title to several parcels of real property by foreclosure *In Rem* pursuant of Article 11 Title 3 of the Real Property Tax Law of the State of New York; and

WHEREAS, pursuant to Section 1166 of the Real Property Tax Law the City may sell properties acquired by foreclosure *In Rem* at private sale; and

WHEREAS, Ofelia Perez, the former owner of 13 S. Johnston Street, being more accurately described as Section 36, Block 5, Lot 8 on the official tax map of the City of Newburgh, has requested to re-purchase the property at private sale; and

WHEREAS, the City Council of the City of Newburgh has determined that it would be in the best interests of the City of Newburgh to allow the former owner to re-purchase this property, without the need for litigation and subject to any liens, encumbrances or mortgages of record that existed against this property at the time the City of Newburgh took title in the tax foreclosure proceeding, provided that all taxes, interest and penalties owed are paid expeditiously;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the sale of 13 S. Johnston Street, Section 36, Block 5, Lot 8, to Ofelia Perez be and hereby is confirmed and that the Interim City Manager is authorized and directed to execute and deliver a quitclaim deed to said purchaser upon receipt of all past due tax liens, together with all interest and penalties accruing thereon, and all currently due taxes and charges are paid, in full, for a total amount of \$14,358.09, no later than November 30, 2013; and

BE IT FURTHER RESOLVED, by the Council of the City of Newburgh, New York, that the parcel is not required for public use.

RESOLUTION NO.: 233 .2013

OF

NOVEMBER 12, 2013

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN ADDENDUM TO THE
LICENSE AGREEMENT FOR THE USE OF THE STADIUM LOCATED AT
DELANO-HITCH RECREATION PARK BY THE NEWBURGH HOOK ELITE BOXING
CLUB AND EBC SPORTS MINISTRY FOR THE PURPOSE OF INSTALLATION OF
TELEPHONE, INTERNET AND CABLE SERVICE**

WHEREAS, this Council, by Resolution No.: 176-2013 of August 19, 2013, authorized the execution of a license agreement with the Newburgh Hook Elite Boxing Club and EBC Sports Ministry for the use of the stadium located at Delano-Hitch Recreation Park for a youth boxing program for a term beginning on July 1, 2013 and ending on June 30, 2014; and

WHEREAS, Newburgh Hook Elite Boxing Club and EBC Sports Ministry has requested to install telephone, internet and cable service in the boxing gym during the term of the license agreement for the purpose of conducting business, facilitating communication between the participants and their parents and guardians and to provide after-school assistance to participants; and

WHEREAS, an addendum to the license agreement permitting the installation of telephone, internet and cable services is annexed hereto and made a part of this resolution; and

WHEREAS, the City Council has examined such addendum and determined it to be in the best interests of the City of Newburgh and its youth to enter into such addendum;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Interim City Manager be and he is hereby authorized to execute and enter into the attached addendum to the license agreement, in substantially the same form and with other terms as Corporation Counsel may require, on behalf of the City of Newburgh.

ADDENDUM TO THE LICENSE AGREEMENT BY AND BETWEEN
THE CITY OF NEWBURGH, NEW YORK AND
THE NEWBURGH HOOK ELITE BOXING CLUB and EBC SPORTS MINISTRY

This Addendum to the License Agreement is made and entered into this ____ day of November, 2013 by and between The Newburgh Hook Elite Boxing Club and EBC Sports Ministry, c/o Leonard Lee, 70 Johnes Street, Newburgh, New York 12550 hereinafter called "Licensee" and the City of Newburgh, New York, with offices at 83 Broadway, Newburgh, New York 12550 hereinafter called "City" for the purpose of installing telephone, internet and cable service:

1. The Licensee is authorized to install telephone, internet and cable service at the location within the stadium within Delano-Hitch Recreation Park, which has been designated for the use of the youth boxing program.
2. The Licensee shall be responsible for the total cost of the installation, use and maintenance of the internet, telephone and cable services.
3. Licensee shall be responsible for the termination of telephone, internet and cable services and the removal of any equipment related to such services upon the expiration of the License Agreement. Licensee shall leave the premises in the same state and condition as it was at the commencement of Licensee's use and occupancy.
4. The Licensee be responsible for all damage, loss or injury to persons or property that may arise in or be incurred arising from the installation, use and maintenance of the telephone, internet and cable services, whether or not the Licensee, its agents or employees have been negligent. The Licensee shall hold and keep the City free and discharged of and from any and all responsibility and liability of any sort or kind arising from the installation, use and maintenance of telephone, internet and cable services. The Licensee agrees to indemnify and save the City, its officers, agents and employees harmless from any liability imposed upon the City, its officers, agents and/or employees arising from the negligence, active or passive, of the Licensee.
5. Unless otherwise expressly provided herein, all other provisions of the License Agreement shall apply to this Addendum.
6. This Addendum, together with the License Agreement, contains the entire agreement between the parties as to subject matter herein and supersedes all prior agreements whether oral or written between the parties hereto. This Agreement may be modified only by a written instrument signed by both parties.

IN WITNESS WHEREOF, the parties have caused this addendum to be executed on the day and year first above written.

THE CITY OF NEWBURGH

by: _____

JAMES A. SLAUGHTER
Interim City Manager

NEWBURGH HOOK ELITE BOXING CLUB

by: _____

LEONARD LEE

EBC SPORTS MINISTRY

By: _____

DR. BRUCE DAVIS
Pastor

Approved as to form:

MICHELLE KELSON
Corporation Counsel

JOHN J. ABER
City Comptroller

RESOLUTION NO.: 234 - 2013

OF

NOVEMBER 12, 2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
ASSUMING LEAD AGENCY, ACCEPTING AS COMPLETE AN ENVIRONMENTAL
ASSESSMENT FORM (EAF), ISSUING A NEGATIVE DECLARATION AND APPROVING
THE APPLICATION OF MILL STREET PARTNERS, LLC FOR A LARGE-SCALE MIXED-
USE DEVELOPMENT SPECIAL USE PERMIT FOR THE REDEVELOPMENT OF THE
MID-BROADWAY SITE**

WHEREAS, by Resolution No. 194-2012 of October 22, 2012, the City Council of the City of Newburgh, New York authorized the City Manager to execute a Development and Land Disposition Agreement with Mill Street Partners, LLC (the "Development Agreement") for the redevelopment of the Mid-Broadway site; and

WHEREAS, Mill Street Partners, LLC has made an application for a Large-Scale Mixed-Use Development Special Use Permit from the City Council pursuant to Section 300-38 of the Zoning Code of the City of Newburgh to allow for the construction of a new mixed-use building consisting of 91 residential units and 13,000 square feet of retail space with parking for the property located on Broadway between Chamber Street and Johnston Street in the City of Newburgh, Orange County, New York ("the Project"); and

WHEREAS, Mill Street Partners, LLC has made an application for Site Plan approval from the City of Newburgh Planning Board pursuant to Section 300-50 of the Zoning Code of the City of Newburgh; and

WHEREAS, by Resolution No. 163-2013 of August 19, 2013, this Council declared its intent to assume Lead Agency status for the environmental review of the Project pursuant to 6 NYCRR 617.6; classified the action as a Type I Action; proposed to accept as complete the Environmental Assessment Form ("EAF") attached thereto; referred the proposed Large-Scale Mixed-Use Development Special Use Permit Application to the Orange County Planning Department as required by General Municipal Law Section 239; and scheduled a joint public hearing with the Planning Board; and

WHEREAS, The City Council and the City of Newburgh Planning Board conducted a Joint Public Hearing on September 12, 2013, to hear the application of Mill Street Partners, LLC for a large-scale mixed-use special use permit and site plan for the Project; and

WHEREAS, at the public meeting of the City Council on November 12, 2013, upon all the discussion that preceded it, including the public hearing(s), all prior meetings, site visits undertaken by Council Members, and a review of all exhibits and submissions, made the following motion, seconded by :

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Newburgh, Orange County, New York, as follows:

1. The City Council of the City of Newburgh hereby declares itself as the Lead Agency for the environmental review of the Project pursuant to 6 NYCRR 617.6;
2. The City Council hereby determines, based upon an examination of the EAF and other available supporting information and considering the magnitude and importance of each area of environmental concern, and based on the City's knowledge of the location of the Project, that the granting of the Project will not have a significant adverse environmental impact, will not require the preparation of a Draft Environmental Impact Statement; and
3. Having determined that there are no areas of potentially large impact of environmental concern, the City Council hereby issues a Negative Declaration pursuant to SEQRA with respect to the impact of the Project upon the environment; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newburgh, New York that the application of Mill Street Partners, LLC FOR A LARGE SCALE MIXED-USE SPECIAL USE PERMIT to construct a new mixed-use building consisting of 13,000 square feet of retail space on the ground floor and 91 residential units on the upper floors with and parking, IS HEREBY GRANTED WITH THE FOLLOWING CONDITIONS, BASED UPON AN EVALUATION OF THE APPLICATION IN LIGHT OF THE STANDARDS AND CONDITIONS ENUMERATED IN THE NEWBURGH ZONING CODE FOR THE ISSUANCE OF SPECIAL USE PERMITS AND FOR THE REASONS HEREIN STATED, WHICH REASONS ALSO CONSTITUTE THE FINDINGS OF THIS CITY COUNCIL.

THE CONDITIONS OF THE SPECIAL USE PERMIT:

The City Council hereby finds that the following conditions are reasonable and imposed for the purpose of minimizing any adverse impacts on the neighborhood or community:

- A. The special permit is in effect for 1 year pursuant to the terms of the City Zoning Ordinance.

FINDINGS OF FACT:

1. The Applicant, Mill Street Partners, LLC made an application to the City Council of the City of Newburgh for a special use permit. The application was filed with various exhibits

all of which were reviewed by the City Council and made available to the public. A composite list of the Exhibits considered by the City Council in reaching a determination is attached as **Exhibit "A"**.

2. The subject property is located in a TC-1 Zone in the City of Newburgh, New York. According to Section 300-38 of the Zoning Ordinance of the City of Newburgh and Schedule A, large scale mixed use is permitted in the TC-1 District subject to the securing of a special use permit from the City Council.
3. The Council first reviewed the application materials for the completeness on August 19, 2013. The Application was deemed substantially complete on August 19, 2013.
4. The action is subject to review pursuant to SEQRA. The City Council has assumed Lead Agency status. The Applicant has completed and filed Part I of the Long Form EAF and the City Council has completed Parts 2 and 3 of the Long Form EAF. The City Council accepts as complete the Long Form EAF and finds that no significant adverse impact will result from the project.
5. A Joint Public Hearing with the City of Newburgh Planning Board was convened and completed on September 19, 2013. Copies of the public hearing notices and the affidavit of mailing are attached as **Exhibit "B"**.
6. The Planning Board has jurisdiction to complete the Site Plan review.

FINDINGS AND CONCLUSIONS IN ACCORDANCE WITH THE STANDARDS AND CONDITIONS ENUMERATED IN SECTIONS 300-35 AND 300-38 OF THE ZONING ORDINANCE OF THE CITY OF NEWBURGH:

The City Council hereby finds that the Applicant has demonstrated compliance with the following standards and conditions:

- (1) The use requested is listed among the special uses in the zone for which application is made.
- (2) The special use is essential or desirable to the public convenience or welfare.
- (3) The special use will not impair the integrity or character of the zone or adjoining zones nor be detrimental to the health, morals or welfare, finding the following:
 - a. The location, type, character and size of the use and any buildings, structures or facilities in connection therewith will be harmonious with the character of the neighborhood, will not detract from the appearance and beauty of the

neighborhood, will not hinder or discourage the appropriate and orderly development of the City and the neighborhood.

- b. The nature and location of the use and of any buildings or structure in connection therewith will be such that there will be adequate access to it for fire and police protection purposes.
 - c. The streets serving the proposed use are adequate to carry prospective traffic that provision is made for the entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities are provided.
 - d. The lot(s) on which the use is to be established is of sufficient size and adequate dimension to permit conduct of the special use and provision of buildings, structures and facilities in a manner that will not be detrimental to the neighborhood or adjacent property.
 - e. The buildings, structures, facilities and site layout will be suitably landscaped and maintained and will have adequate land area, yards and setback area so as to maintain the character of the neighborhood.
 - f. The proposed use of the buildings, structures, facilities and site layout will not be detrimental to the public health safety and property values in the neighborhood.
- (4) The special use is in conformity with the Master Plan and the Future Land Use Plan.
- (5) Consistency with policies: The proposed use will be consistent with the following Local Waterfront Revitalization Plan policies as set forth in Section 300-35(a) of the Newburgh Zoning Ordinance.
- (6) This special use permit is subject to the individual special use standards set for in Section 300-38 of the Newburgh Zoning Ordinance since the permit is for large scale mixed-use development and the additional factors in that Section were considered by the City Council, as follows:
- a. The proposed development meets the minimum lot area, lot depth and building height requirements. The required front yard setback of 15 feet is reduced to 0 feet, which is consistent with the front yard setbacks of the adjacent buildings. The required side yard setbacks of 5 feet are reduced to 0 feet, which is consistent with the footprint of buildings in the district.
 - b. The proposed use does not contain any use which is individually subject to a special permit from the Planning Board under Section 300-37.

- c. A site plan application was submitted and is pending before the Planning Board.
- d. The building proposed will be situated so that the front façade faces Broadway. The retail entrance proposed at the corner of Lander Street and Broadway will have entry doors that face both Broadway and Lander Street.
- e. Off-street parking:
 - 1. The required parking space dimensions of 9 feet by 18 feet are reduced to 8 feet, 6 inches by 17 feet, which is within the scope of the reduction authorized. Such reductions will permit space for additional off-street parking spaces and for additional landscaping and screening of the parking area.
 - 2. The required parking space maneuvering area of 300 square feet per stall is reduced to 286 square feet per stall, which provides 95 percent of the required maneuvering area. The vehicle data supports the configuration shown on the site plan and is sufficient for public safety purposes.
 - 3. The required number of off-street parking spaces is reduced from 247 to 181. The parking and traffic analysis data demonstrates a need for 165 off-street parking spaces for the Project. The site plan provides 155 parking spaces on the site and the Applicant has a commitment for 26 off-street parking spaces in the municipal parking lot on Lander Street. The Lander Street parking lot is within 300 feet of the subject site and the number of spaces allocated in the Lander Street lot does not exceed 25 percent of the 181 parking spaces required. The parking allocation proposed yields a parking surplus of 16 off-street spaces based on the parking data submitted.
 - 4. The parking area is located to the rear of principal building proposed.
- f. The off-street parking areas are appropriately landscaped and screened with planting beds containing approximately 15 trees, densely arranged shrubs and fencing.
- g. The plan for the maintenance of common areas and public spaces is sufficient.
- h. The comments of the Shade Tree Commission, dated September 10, 2013, have been incorporated to decrease the size of certain trees from 3-inches to 2 ½ inch caliper and larger shade trees and more diverse trees have been substituted.
- i. Trash receptacles are appropriately enclosed and screened.

- j. The lighting plan ensures that lighting will not adversely impact the adjacent residential properties or create driving or other hazards.

THE ROLL CALL VOTE:

The questions of the foregoing resolution calling for granting the requested Large Scale Mixed-Use Special Permit with conditions was put to a vote on roll call on the 12th day of November, 2013, the results were as follows:

Regina Angelo, Councilwoman	Voting _____
Cedric Brown, Councilman	Voting _____
Curlie Dillard, Councilman	Voting _____
Gay Lee, Councilwoman	Voting _____
Judy Kennedy, Mayor	Voting _____

ATTENTION APPLICANTS

FURTHER COMPLIANCE WITH THE NEWBURGH ZONING ORDINANCE REMAINS YOUR RESPONSIBILITY. A SPECIAL USE PERMIT ISSUED BY THE CITY COUNCIL IS NOT THE EQUIVALENT OF A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY, BOTH OF WHICH CAN ONLY BE SECURED THROUGH THE NEWBURGH BUILDING DEPARTMENT. PLEASE SEEK THE ADVICE OF THE NEWBURGH BUILDING DEPARTMENT FOR THE PARTICULAR CIRCUMSTANCES.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE – Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared. *
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Mid-Broadway Mixed Use Development; Newburgh, New York

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

website

Date

PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Mid-Broadway Mixed Use Development; Newburgh, New York

Location of Action (include Street Address, Municipality and County)

140 Broadway, Newburgh, New York 12550

Name of Applicant/Sponsor Mill Street Partners, LLC

Address 853 Broadway

City / PO New York

State New York

Zip Code 12550

Business Telephone 914-557-5875

Name of Owner (if different) City of Newburgh

Address 83 Broadway

City / PO Newburgh

State New York

Zip Code 845-569-7300

Business Telephone 845-569-7300

Description of Action:

The Action consists of a mixed use development with 91 residential units above +/- 13,800 sq. ft. of retail business at street level with associated appurtenant structures. The project will be a redevelopment project on mostly vacant (an abandoned 3 story building to be razed is the only structure) +/- 1.927 acre parcel of City of Newburgh owned property. The proposed building will range from four to five stories and have frontage on Broadway, Lander and Johnson Streets. 155 off-street spaces, a loading dock, outdoor seating and a play area are proposed behind the building. Adequate city infrastructure (i.e. water, sewer, gas, electric, etc.) is available to serve the proposed development. Developers agreement allows for 26 shared parking spaces located in the Municipal parking lot across Lander Street behind the DMV office.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other Urban Residential

2. Total acreage of project area: 1.94 +/- acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0</u> acres	<u>0</u> acres
Forested	<u>0</u> acres	<u>0</u> acres
Agricultural (includes orchards, cropland, pasture, etc.)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0</u> acres	<u>0</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>0</u> acres
Roads, buildings and other paved surfaces	<u>1.38</u> acres	<u>1.8</u> acres
Other (Indicate type) <u>Landscaped areas.</u>	<u>0.56</u> acres	<u>0.14</u> acres

3. What is predominant soil type(s) on project site? Mardin Loam (MdB), group "D"

- a. Soil drainage: Well drained ___% of site Moderately well drained 40 % of site.
 Poorly drained 60 % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock 14 - 26 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 100 % 10- 15% ___% 15% or greater ___%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? 8 - 11 +/- (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

New York State Department of Environmental Conservation

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

N/A

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

N/A

14. Does the present site include scenic views known to be important to the community? Yes No

View of Mount Beacon and areas of the Newburgh Historic District

15. Streams within or contiguous to project area:

None

a. Name of Stream and name of River to which it is tributary

N/A

16. Lakes, ponds, wetland areas within or contiguous to project area:

None

b. Size (in acres):

N/A

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 3047? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 1.94+/- acres.
- b. Project acreage to be developed; 0 acres initially; 1.94+/- acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; proposed 155
- g. Maximum vehicular trips generated per hour: +/-200 (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Ultimately	<u>0</u>	<u>0</u>	<u>0</u>	<u>91</u>

- i. Dimensions (in feet) of largest proposed structure: 64 height; 210' width; 188' max length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 765 +/- ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 3,000 tons/cubic yards.

3. Will disturbed areas be reclaimed Yes No N/A

a. If yes, for what intended purpose is the site being reclaimed?

Mixed use development

- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.5 +/- acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 24 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 1 (number)

b. Anticipated date of commencement phase 1: Oct month 2013 year, (including demolition)

c. Approximate completion date of final phase: Oct month 2015 year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 150; after project is complete 31

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount N/A

b. Name of water body into which effluent will be discharged N/A

13. Is subsurface liquid waste disposal involved? Yes No Type N/A

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

N/A

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? +/-15 tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name Orange Cty Transfer #2; location 9 Orr Avenue, Newburgh

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

N/A

17. Will the project involve the disposal of solid waste? Yes No
- a. If yes, what is the anticipated rate of disposal? _____ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

Residential and retail electric and gas usage.

22. If water supply is from wells, indicate pumping capacity NA gallons/minute.
23. Total anticipated water usage per day 19,468 gallons/day.
24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

New York State's Housing Finance Agency (NYS HFA), New York State Housing Trust Fund, New York State Empire State Development, New York State Energy Research and Development Authority (NYSERDA), Orange County Office of Community Development, City of Newburgh

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Special Use Permit</u>	<u>August 2013</u>
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Site Plan Approval</u>	<u>May 2013</u>
		<u>Lot Line Adjustment</u>	<u>October 2013</u>
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Orange County DOH</u>	<u>TBD</u>
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Orange County GML</u>	<u>August 2013</u>
		<u>Newburgh water/sewer dept.</u>	<u>TBD</u>
		<u>Arch. Review Comm.</u>	<u>May 2013</u>
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>NYSHFA</u>	<u>April 2013</u>
			<u>April 2013</u>
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input checked="" type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

TC-1 (Tourist Commercial), Large Scale Mixed Use Development

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

As proposed.

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Commercial & Residential (R-2, R-1, & C-1)

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

A traffic analysis will be prepared and submitted with a future submission.

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Preparer, William Moran, PE Date August 9, 2013

Signature 

Title Preparer, Senior Engineer

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Prepared by: Tectonic Engineering & Surveying Consultants P.C.
70 Pleasant Hill Road, PO Box 37
Mountainville, NY 10953
(800) 829-6531

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- ! The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be any impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1	2	3	
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change	

- Construction or expansion of a sanitary landfill. Yes No
- Construction in a designated floodway. Yes No
- Other impacts: Yes No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

- Specific land forms: Yes No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body. Yes No
- Dredging more than 100 cubic yards of material from channel of a protected stream. Yes No
- Extension of utility distribution facilities through a protected water body. Yes No
- Construction in a designated freshwater or tidal wetland. Yes No
- Other impacts: Yes No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. Yes No
- Construction of a body of water that exceeds 10 acres of surface area. Yes No
- Other impacts: Yes No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will require a discharge permit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction or operation causing any contamination of a water supply system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will adversely affect groundwater. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Development of the project site will inevitably change surface water runoff flow rates and patterns. The Applicant's Engineer has prepared a SWPPP with mitigation measures.

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

The project is located in a PM2.5 Nonattainment Area (Orange County) with regard to air quality.

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Redevelopment of the site will involve the construction of a new 4 to 5 story building that may create new scenic views, but may also screen some existing views.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

• Other impacts:

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
--------------------------	-------------------------------------	---	-----------------------------

Redevelopment involves construction of a new building within a designated historic district.

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|-------------------------------------|---|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

Redevelopment of the project site will increase traffic levels in the surrounding streets and intersections. Existing parking spaces outside of the project area will also be eliminated.

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | |
|---|-------------------------------------|--------------------------|--|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Redevelopment of the project site will cause a minor localized increase in demand for fuel and energy.

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | |
|--|-------------------------------------|--------------------------|--|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Temporary impacts during the construction phase.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

- | | | | |
|---|---|--|--|
| <ul style="list-style-type: none"> • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. • Other impacts: | <input type="checkbox"/>

<input checked="" type="checkbox"/> | <input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|--|--|

A Phase II Environmental Study revealed the presence of petroleum contaminated soils and an underground storage tank (UST) within the project area.

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | |
|--|--|--|--|
| <ul style="list-style-type: none"> • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. • Proposed Action will conflict with officially adopted plans or goals. • Proposed Action will cause a change in the density of land use. • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/>

<input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|--|--|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO YES Unknown

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

See attached sheets.

Part III - Full Environmental Assessment Form

Mid-Broadway Mixed-Use Site

Impact on Land

1. Will the Proposed Action result in a physical change to the project site? (YES)
 - Construction that will continue for more than 1 year or involve more than one phase or stage.

Response: Redevelopment of the site will involve the construction of a 4 to 5 story, 91-unit mixed-use residential & retail facility. Parking, lighting, landscaping, stormwater drainage and other associated appurtenances will also require construction to accommodate a facility of this size. Construction of this facility will likely take approximately 2 years due to the size and complexity of the project. The most intrusive portion of the project will involve the earthwork stage that is planned to take place during the beginning of the project. The majority of the construction duration will involve the erection of the actual building, which will have less of an impact to the surrounding community. It is not believed that the planned 2-year construction duration will have a significant negative impact to the community.

Impact on Water

5. Will the Proposed Action affect surface or groundwater quality or quantity? (YES)
 - Proposed Action would use water in excess of 20,000 gallons per day.

Response: Redevelopment of the site will involve the construction of a 91-Unit Mixed-Use residential/retail facility. The project engineer's projections of the anticipated water usage by the facility will consist of approximately 19,468 gallons per day. The City's existing water supply infrastructure is capable of handling this relatively small increase in demand for potable water.

Impact on Air

7. Will Proposed Action affect air quality? (YES)
 - Other Impacts.

Response: The project is located in a PM2.5 Nonattainment Area (Orange County) with regard to air quality. This potential impact will be outlined in the traffic analysis being prepared by the Applicant's Consultant.

Impact on Aesthetic Resources

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.) **(YES)**

- Other impacts.

Response: Redevelopment of the site will involve the construction of a new 4 to 5 story building that may create new scenic views, or eliminate some existing views. The applicant has provided elevation renderings showing the newly proposed building. These elevations shall be submitted, reviewed and approved by the Architectural Review Board.

Impact on Historic and Archaeological Resources

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance? **(YES)**

- Other impacts.

Response: Redevelopment of the site will involve the construction of a new 4 to 5 story mixed-use building within a designated historic district (See OPRHP map attachment). The project's intended use is consistent with the surrounding commercial and residential uses, and the project architect has designed the building facades to blend in with the historical architecture of the surrounding community.

Impact on Transportation

15. Will there be an effect on existing transportation systems? **(YES)**

- Other impacts.

Response: Redevelopment of the project site will increase traffic levels in the surrounding streets and intersections. Existing parking spaces located outside of the project area will also be eliminated (East & West sides of Lander Street and in Parking Lot behind DMV). The applicant shall evaluate the traffic impact on the nearby intersections. The applicant shall also prepare a parking analysis to

demonstrate that the proposed impact will not create a significant negative impact on parking within the City.

Impact on Energy

16. Will there be an effect on the community's sources of fuel or energy supply? (YES)

- Other impacts.

Response: Redevelopment of the project site will inevitably cause minor localized increases in demand for fuel and energy. This project will be constructed in place of existing, abandoned residential and commercial facilities that had a past demand for fuel and energy. While the new proposal will involve a greater density in residential use, the facility will be constructed with greater energy efficiency, and will also incorporate sustainable energy facilities such as solar panels, to assist in offsetting the demand for conventional energy resources.

Noise and Odor Impact

17. Will there be objectionable odors, noise or vibration as a result of the Proposed Action? (YES)

- Other impacts.

Response: Temporary noise and vibration impacts will take place during the earthwork construction phase of the project. These impacts will be temporary and short in duration. They will be mitigated by complying with the City's noise ordinance, and restricting certain construction operations to certain hours as specified in the City of Newburgh's Noise Ordinance.

Impact on Public Health

18. Will Proposed Action affect public health and safety? (YES)

- Other impacts.

Response: A Phase II Environmental Study was completed by the office of Ecosystems Strategies, Inc. This study identified an existing buried underground storage tank with surrounding contaminated soil, leaking drums containing petroleum, site soils contaminated with PAHs, metals and PCBs, along with low level VOCs. The Phase II report recommends appropriate remediation measures to deal with these existing contaminated soils. Some of these measures will be put into place prior to development, and some aspects of remediation

will be required of the developer once construction is underway. It is believed that these remediation measures can be performed on a parallel path alongside project review, approval and construction.

Impact on Growth and Character of Community or Neighborhood

19. Will Proposed Action affect the character of the existing community? (YES)

- Proposed Action will create or eliminate employment.

Response: Approval of the proposed action will create approximately 150 temporary jobs during construction, and 31 permanent jobs after construction is completed. The addition of these temporary and permanent jobs to the City will undoubtedly be a positive impact.

Mid Broadway Mixed Use Development

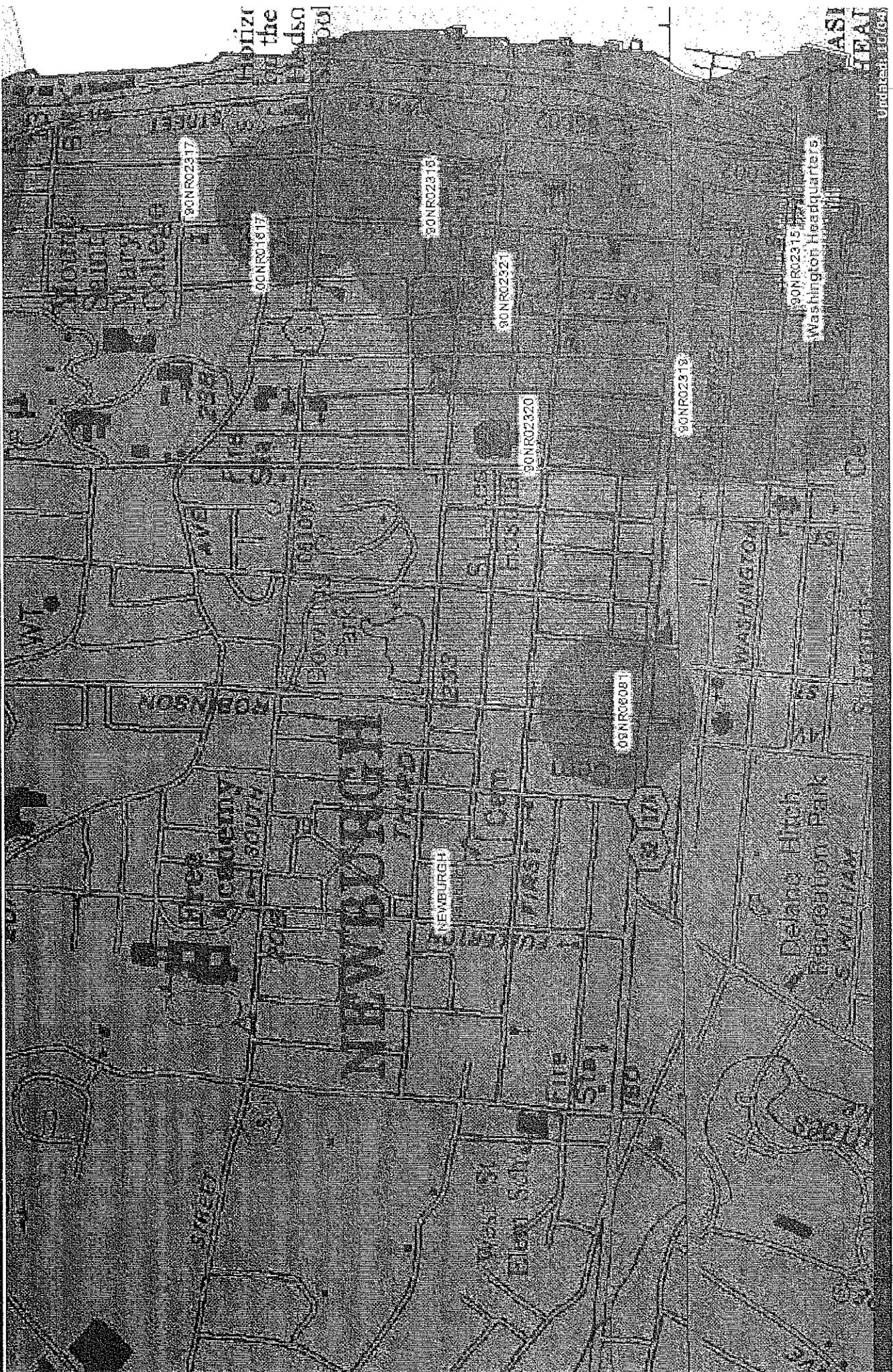
Projected Water and Wastewater Demand

Type of Facility	Flow Rate per Unit / SF/ Emp (GPD)	Number of Units / SF/ Emp	Expected Hydraulic Loading Rate (GPD)
One-Bedroom Apartment	150	40	6,000
Two-Bedroom Apartment	300	39	11,700
Three-Bedroom Townhouse	400	12	4,800
Commercial/Retail	0.1	13,700	1,370
Commercial/Retail Employees add 15 GPD/Emp	15	31	465
Sub Total:			24,335
Apply 20% reduction for water-saving devices, Total:			19,468

Source: Flow rates based on the New York State Department of Environmental Conservation (NYSDEC) Design Standards for Wastewater Treatment Works, 1988 edition.

Historic Preservation Office Access

Click on map to: Zoom in



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also

ASI
SPAL

Updated 10/03/03

EXHIBIT "A"

The composite list of the Exhibits considered by the City Council in reaching a determination on the Special Permit Application includes:

Applicant's submissions:

1. Application for Special Permit, dated August 1, 2013;
2. Full Environmental Assessment Form dated August 9, 2013;
3. Engineer's Plans, dated May 17, 2013 and revised June 7, 2013, July 19, 2013, August 29, 2013 and October 18, 2013, consisting of:
 - a. C-100 General Notes and Legend
 - b. C-101 Demolition Plan
 - c. C-102 Site Plan
 - d. C-103 Special Use Permit Plan
 - e. C-104 Grading, Drainage & Utility Plan
 - f. C-105 Erosion Control Plan
 - g. C-201-205 Details
4. Landscape Plan and Lighting Plan, dated July 19, 2013 and revised August 7, 2013, August 30, 2013 and October 18, 2013;
5. Survey, dated February 1, 2013;
6. Truck circulation exhibit, dated April 25, 2013 and revised August 29, 2013;
7. Traffic and Parking Evaluation prepared by Maser Consulting, P.C., dated August 29, 2013 and revised October 16, 2013 and November 8, 2013;
8. Report on Condition of Existing Retaining Wall, prepared by SESI Consulting Engineers, dated August 12, 2013;
9. Transmittal letters, dated August 2, 2013, August 30, 2013 and November 1, 2013;
10. Orange County Planning Department comments, dated October 1, 2013;
11. Mill Street Partners, LLC letter, dated November 8, 2013;
12. Newburgh Fire Department, Bureau of Fire Prevention letter, dated October 28, 2013.

City Engineer's Comments:

1. Memorandum dated June 18, 2013;
2. Memorandum dated August 6, 2013;
3. Memorandum dated August 20, 2013;
4. Memorandum dated September 12, 2013; and
5. Memorandum dated November 7, 2013.

Shade Tree Commission recommendations dated September 10, 2013.

EXHIBIT "B"

CITY OF NEWBURGH
PLANNING BOARD

123 Grand Street, Newburgh, New York 12550

Lisa Daily, Chairperson
Margaret Hall, Secretary

(845)569-7401 (845)569-0096

City of Newburgh Planning Board Case No. 2013-08
City of Newburgh City Council Special Permit Application – Mid-Broadway
State of New York
County of Orange
City of Newburgh

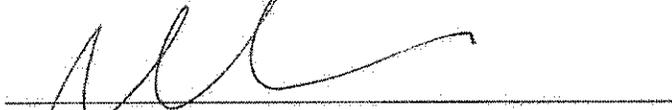
Margaret Hall of the City of Newburgh, New York
Being duly sworn, deposes and says

That she is the secretary of the Planning Board, City of Newburgh
New York.

That on the 31st day of August, 2013, she mailed
Copies of the annexed notice in securely closed postpaid wrappers in the
Official depository under the custody and control of the United States Postal
Service, in the City of Newburgh, Orange County, New York, to the City
of Newburgh property owners as the annexed list.


Margaret Hall

Sworn to before on
This 4th day of SEPTEMBER, 2013


MICHELLE KELSON
Notary Public, State Of New York
Sullivan County Clerk's #2564
Commission Expires: March 20, 2014

PUBLIC HEARING

PLEASE TAKE NOTICE that the City Council of the City of Newburgh will hold a joint public hearing with the Planning Board on Thursday, September 12, 2013 at 7:00 p.m. at the City Council Chambers, 3rd Floor, City Hall, 83 Broadway, Newburgh, New York to receive comments concerning the Large-Scale Mixed-Use Development Special Use Permit Application of Mill Street Partners, LLC for the construction of a large-scale mixed use building under Section 300-38 of the Zoning Code of the City of Newburgh.

**LORENE VITEK
CITY CLERK**

DATED: August 20, 2013

PUBLISH: August 23, 2013 (The Sentinel)

**August 28, 2013 (Hudson Valley Press
& Mid-Hudson Times)**

*CITY OF NEWBURGH
PLANNING BOARD*

123 Grand Street, Newburgh, New York 12550

*Lisa Daily, Chairperson
Margaret Hall, Secretary*

(845)569-7401 (845)569-0096

PLEASE TAKE NOTICE, that a joint Public Hearing with the City Council will be held by the CITY OF NEWBURGH, PLANNING BOARD, on the following matters:

APPLICATION NUMBER: 2013-08, to receive public comment regarding the approval of the site plan for the construction of a large-scale mixed use development ("Mid-Broadway Project"), located at 140 Broadway in TC-1 zone. Application is requested by Mill Street Partners, LLC.

SECTION: 30 BLOCK: 3 LOT (S) 21-38 as described on the Tax Records, City of Newburgh, New York.

The Public Hearing will be held on Thursday, September 12, 2013 and any adjourned date at 7:00 p.m. in City Council Chambers, 83 Broadway, Newburgh, New York.

Anyone wishing to make comment on the application may do so at that time.

Lisa Daily, Chairman
City of Newburgh Planning Board

Dated: August 22, 2013
Published: August 28, 2013 (Hudson Valley Press
& Mid-Hudson Times)
August 30, 2013 (The Sentinel)

Mid Blaw Project
Vendor List

City of Newburgh IDA
1 Corwin Ct
Newburgh, NY 12550

House of Refuge Church of
127-131 Broadway
Newburgh, NY 12550

Habitat For Humanity of
125 Washington St
Newburgh, NY 12550

Ilias A Karounis
125 Broadway
Newburgh, NY 12550

Habitat For Humanity of
125 Washington St
Newburgh, NY 12550

Daniel Sheehan
95 Ann St
Newburgh, NY 12550

Habitat For Humanity of
125 Washington St
Newburgh, NY 12550

119 Broadway Newburgh Inc
PO Box 150
Paramus, NJ 076530150

159 Newburgh Inc
19-42 75th St
East Elmhurst, NY 11370

City Of Newburgh
83 Broadway
Newburgh, NY 12550

Thomas W Breitschwerd
PO Box 846
Verplanck, NY 10596

Safe Harbors of the Hudson
111 Broadway
Newburgh, NY 12550

House of Refuge Church of
127-131 Broadway
Newburgh, NY 12550

City Of Newburgh
C/O Orange County DPW PO Box 509
Goshen, NY 10924

Eglise Evangelique Haitienne ✓
PO Box 1363
Newburgh, NY 12550

159 Newburgh Inc ✓
19-42 75th St
East Elmhurst, NY 11370

Fritzroy Francis ✓
807 Broadway
Newburgh, NY 12550

John Boubaris ✓
10 Lagoon Ln
Haverstraw, NY 10927

The Newburgh Institute for the ✓
68 Jane St #2E
New York, NY 10014

155 Broadway LLC ✓
77-79 Broadway
Newburgh, NY 12550

The Newburgh Institute for the ✓
68 Jane St #2E
New York, NY 10014

Vok Hyun LLC ✓
151 Broadway
Newburgh, NY 12550

McCann Newburgh Real Estate ✓
2548 East Tremont Ave
Bronx, NY 104612811

117 Liberty Street LLC ✓
38-11 Ditmars Blvd
Astoria, NY 111051803

Chesapeake Associates LLC ✓
PO Box 1533
Newburgh, NY 12551

Newburgh Commercial ✓
333 Broadway
Newburgh, NY 12550

LJU Realty Corp ✓
228 Broadway
Newburgh, NY 12550

Habitat For Humanity of ✓
125 Washington St
Newburgh, NY 12550

City of Newburgh
83 Broadway
Newburgh, NY 12550

36-38 Chamber Street
77-79 Broadway
Newburgh, NY 12550

City of Newburgh
83 Broadway
Newburgh, NY 12550

Lloyd G Sandiford
33 Chambers St
Newburgh, NY 12550

Movimiento Misonero
24 Lander St
Newburgh, NY 12550

Lloyd G Sandiford
33 Chambers St
Newburgh, NY 12550

Jerry Ortiz
PO Box 7283
Newburgh, NY 12550

Lloyd G Sandiford
33 Chambers St
Newburgh, NY 12550

Jerry Ortiz
PO Box 7283
Newburgh, NY 12550

City Of Newburgh
83 Broadway
Newburgh, NY 12550

K-C Newburgh Inc
2-8 Johnes St
Newburgh, NY 12550

Juan Rodriguez ✓
28 S Miller St
Newburgh, NY 12550

Jeffrey Gilbert ✓
261 Liberty St
Newburgh, NY 12550

Juan Rodriguez ✓
28 S Miller St
Newburgh, NY 12550

Carla P Merino ✓
173 Bedford Rd
Pleasantville, NY 10570

James Brady ✓
171 South Harrison Ave
Congers, NY 10920

Central Hudson ✓
284 South Ave
Poughkeepsie, NY 12602

Jose Sanchez ✓
PO Box 2592
Newburgh, NY 12550

Rafael Rivera ✓
511 Avenue of Americas Ste 296
New York, NY 10011

Honeel A Senior ✓
13 Chestnut St
Newburgh, NY 12550

Kelvin Ford ✓
10 Hinchcliffe Dr
Newburgh, NY 12550

Briar Partners Inc ✓
219 Briarwood Dr
Somers, NY 10589

50 Lander Street LLC ✓
234 Broadway
Newburgh, NY 12550

City of Newburgh ✓
83 Broadway
Newburgh, NY 12550

City of Newburgh ✓
83 Broadway
Newburgh, NY 12550

129 Meserole Street LLC ✓
302 Metropolitan Ave Fl 1st
Brooklyn, NY 11211

Horace McArthur ✓
12 Indian Trl
White Plains, NY 10603

City of Newburgh ✓
83 Broadway
Newburgh, NY 12550

Patricia Canigan ✓
16 S Miller St
Newburgh, NY 12550

164 Broadway LLC ✓
44 Boyd Rd
Goshen, NY 10924

Marin Emma ✓
18 South Miller St
Newburgh, NY 12550

164 Broadway LLC ✓
44 Boyd Rd
Goshen, NY 10924

Stanley D Cesar ✓
3205 River Walk Dr
Nashville, TN 37214

John Boubaris ✓
10 Lagoon Ln
Haverstraw, NY 10927

Edward Vesely Jr ✓
45 Clancy Ave
New Windsor, NY 12553

South Miller Housing LLC ✓
901 Main St 300
Peekskill, NY 10566

Richard Ferguson ✓
S 12100 162nd St
Bennet, NE 68317

City of Newburgh ✓
83 Broadway
Newburgh, NY 12550

Tadeusz M Sypek ✓
32 Iris Cir
Beacon, NY 12508

58 Johnston Street
742 Prospect Pl
Brooklyn, NY 11216

Simon Jacas
20 Park Ter
Spring Valley, NY 10977

58 Johnston Street
742 Prospect Pl
Brooklyn, NY 11216

Rita Shneider
16C Heritage Dr
New City, NY 10956

City of Newburgh
83 Broadway
Newburgh, NY 12550

Rita Shneider
16-C Heritage Dr
New City, NY 10956

Life Restoration Church, Inc
PO Box 1147
Newburgh, NY 125511147

City of Newburgh
83 Broadway
Newburgh, NY 12550

Life Restoration Church, Inc
PO Box 1147
Newburgh, NY 12550

City of Newburgh
83 Broadway
Newburgh, NY 12550

Life Restoration Church, Inc
PO Box 1147
Newburgh, NY 12550

Larry Solis
60 Balmville Rd
Newburgh, NY 12550

Life Restoration Church, Inc
PO Box 1147
Newburgh, NY 12550

158 Broadway Newburgh LLC
302 Metropolitan Ave Fl 1st
Brooklyn, NY 11211

Waqar Jaffari
60 Lander St
Newburgh, NY 12550

Rosebud Properties I LLC
107 Liberty St
Newburgh, NY 12550

Newburgh Community Land Bank
83 Broadway
Newburgh, NY 12550

James Toliver
25 Johnston St PO Box 171
Newburgh, NY 12550

173 First St Associates
557 Blooming Grove Tpke
New Windsor, NY 12553

City of Newburgh
83 Broadway
Newburgh, NY 12550

Kevin Bacon
6451 West Park Dr
Homosassa, FL 34446

City of Newburgh
83 Broadway
Newburgh, NY 12550

Brian Reilly
Box 19
Cornwall, NY 12518

City of Newburgh
83 Broadway
Newburgh, NY 12550

Newburgh Property
98 Rose Hill Ave
New Rochelle, NY 10804

City of Newburgh
83 Broadway
Newburgh, NY 12550

Zenon Medina
31 Johnston St
Newburgh, NY 12550

City of Newburgh
83 Broadway
Newburgh, NY 12550

Newburgh Ministry In The ✓
PO Box 1449
Newburgh, NY 125511449

Newburgh Community Land ✓
PO Box 152
Newburgh, NY 12550

The Newburgh Institute for the ✓
68 Jane St #2E
New York, NY 10014

Newburgh Community Land ✓
PO Box 152
Newburgh, NY 12550

Patent of Orange County ✓
PO Box 2294
Newburgh, NY 12550

Newburgh Community Land ✓
PO Box 152
Newburgh, NY 12550

Patent of Orange County ✓
PO Box 2294
Newburgh, NY 12550

Newburgh Community Land Bank ✓
83 Broadway
Newburgh, NY 12550

Deutsche Bank National Trust ✓
1661 Worthington Rd Ste 100
West Palm Beach, FL 33409

155 Broadway LLC ✓
38-11 Ditmars Blvd
Astoria, NY 111051803

Deutsche Bank National Trust ✓
1661 Worthington Rd Ste 100
West Palm Beach, FL 33409

155 Broadway LLC ✓
38-11 Ditmars Blvd
Astoria, NY 111051803

Newburgh Community Land ✓
PO Box 152
Newburgh, NY 12550

155 Broadway LLC ✓
38-11 Ditmars Blvd
Astoria, NY 111051803

155 Broadway LLC ✓
38-11 Ditmars Blvd
Astoria, NY 111051803

155 Broadway LLC ✓
38-11 Ditmars Blvd
Astoria, NY 111051803

155 Broadway LLC ✓
38-11 Ditmars Blvd
Astoria, NY 111051803

56 Johnston Street Newburgh ✓
742 Prospect Pl
Brooklyn, NY 11216

56 Johnston Street Newburgh ✓
742 Prospect Pl
Brooklyn, NY 11216

Jin Yong Liu ✓
114 Broadway
Newburgh, NY 12550

W H G Inc ✓
16 Riverwood Dr
Marlboro, NY 12542

129 Meserole Street LLC ✓
302 Metropolitan Ave Fl 1st
Brooklyn, NY 11211

Humley Inc ✓
122-12 25th Rd
Flushing, NY 11354

Reynaldo Herasme ✓
PO Box 224
Chester, NY 10918

City of Newburgh ✓
83 Broadway
Newburgh, NY 12550

120-124 Broadway Newb Inc ✓
PO Box 150
Paramus, NJ 076530150

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